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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/980,466

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Ulf Bamberg

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EXAMINER

SHEWAREGED, BETELHEM

ART UNIT

PAPER NUMBER

1785

MAIL DATE

DELIVERY MODE

05/10/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/980,466	Applicant(s) BAMBERG ET AL.	
	Examiner Betelhem Shewareged	Art Unit 1785	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-111 is/are pending in the application.
- 4a) Of the above claim(s) 34-36, 41-49, 59-66, 73-87, 90, 91 and 93-111 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-33 and 37-40 is/are allowed.
- 6) ☒ Claim(s) 50-58, 67-72, 88, 89 and 92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I claims 17-33, 37-40, 50-58, 67-72, 88, 89 and 92 in the reply filed on 01/26/2010 is acknowledged. The traversal is on the ground(s) that the Applicant believes that the Examiner has not made a prima facie showing of a serious burden placed upon the Examiner to include Groups I-III in the present application. **This is not found persuasive** because the inventions of Groups I, II and III do not relate to a single general inventive concept because they lack the same special technical features. The requirement for unity of invention must be fulfilled **only** when there is a *special technical relationship* among those inventions involving one or more of the same corresponding technical features which define a contribution over the prior art; and in the previous office action the Examiner had shown that the special technical feature of the present does not define a contribution over the prior art, which was revealed by Warner et al. (US 5,747,148). For the above reason lack of unity of invention exists.

2. The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

3. Claims 58, 72 and 92 are objected to because of the following informalities: Neither the claims nor the specification provide a clear definition of the terms LDPE, EAA, EVA and MAEA. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 50-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Niemoller et al. (DE 196 28 341 A1). Niemoller et al. (US 6,177,187 B1) is used as an English translation.
6. Claim 50: Niemoller teaches a recording material comprising a silicone paper as a temporary substrate, an adhesive layer, a white PVC film, and a porous recording layer (Example 1 and Fig. 4).
7. Claim 51: Niemoller teaches the porous recording layer is situated on the white PVC film (Example 1 and Fig. 4).
8. Claim 52: Niemoller teaches the porous recording layer comprises polypropylene (col. 8, line 2).
9. Claims 53, 57 and 58: Niemoller teaches the porous recording layer comprises polyester (col. 8, line 1) or polyamide (col. 8, line 6).
10. Claims 54-56: Niemoller teaches the recording material after printing is transferred onto a textile such as T-shirt (abstract and col. 9, line 51).

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11. Claims 67-72, 88 and 89 are rejected under 35 U.S.C. 102(b) as being anticipated by Niemoller et al. (DE 196 28 341 A1). Niemoller et al. (US 6,177,187 B1) is used as an English translation.

12. Claims 67, 88 and 89: Niemoller teaches a recording material comprising a silicone paper as a temporary substrate, an adhesive layer, a white PVC film, and a porous recording layer (Example 1 and Fig. 4).

13. Claim 68: Niemoller teaches the porous recording layer comprises polypropylene (col. 8, line 2).

14. Claims 69, 71 and 72: Niemoller teaches the porous recording layer comprises polyester (col. 8, line 1) or polyamide (col. 8, line 6).

15. Claim 70: Niemoller teaches the recording material after printing is transferred onto a textile such as T-shirt (abstract and col. 9, line 51).

16. Claim 92 is rejected under 35 U.S.C. 102(b) as being anticipated by Niemoller et al. (DE 196 28 341 A1). Niemoller et al. (US 6,177,187 B1) is used as an English translation.

17. Niemoller teaches a recording material comprising a temporary substrate, an adhesive layer, and a porous recording layer (col. 6, lines 10-16 and Fig. 3). Niemoller further teaches, in at least one embodiment, a whitening pigment may be included in the adhesive layer (col. 7, lines 9-19). Current claim 92 recites the melting point of the polymer of the adhesive is about 20 degree C to about 300 degree C; however, this range is very broad thus it is non-limiting.

18. Claims 50 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Warner et al. (US 5,747,148).

19. Claim 50: Warner teaches a printing sheet comprising a substrate, an image receiving layer on one side of the substrate, an adhesive layer on the other side of the substrate, and a release liner on the adhesive layer (Fig. 1 and col. 3, lines 45-55). The substrate can be a white opaque material (col. 4, line 67).

20. Claim 51: Warner teaches the image receiving layer is situated on the white opaque substrate.

21. Claims 67, 88 and 89 are rejected under 35 U.S.C. 102(b) as being anticipated by Warner et al. (US 5,747,148).

22. Warner teaches a printing sheet comprising a substrate, an image receiving layer on one side of the substrate, an adhesive layer on the other side of the substrate, and a release liner on the adhesive layer (Fig. 1 and col. 3, lines 45-55). The substrate can be a white opaque material (col. 4, line 67).

Allowable Subject Matter

23. Claims 17-33 and 37-40 are allowed.

24. Neither Niemoller nor Warner teach or suggest the adhesive layer includes dispersed spherical polyester particles of a granular size of less than 30um; and the white background layer includes an elastic plastic and white inorganic pigment, wherein

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the elastic plastic and white inorganic pigment do not melt at a temperature up to about 220°C.

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betelhem Shewareged whose telephone number is (571)272-1529. The examiner can normally be reached on Monday-Friday 7am-4:30pm.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Ruthkosky can be reached on 571-272-1291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS

May 9, 2010

/Betelhem Shewareged/

Primary Examiner, Art Unit 1785